



ARIZONA STATE SENATE
Fifty-Fifth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2238

ballot drop boxes; prohibition

Purpose

Prohibits a county recorder or other officer in charge of elections from using an unmonitored drop-box for receipt of voted ballots and requires a county where it is not practicable for election staff to be present at a drop-box to provide and maintain 24-hour video surveillance of the drop-box. Prohibits a county recorder or other officer in charge of elections from allowing a voter to receive a ballot and vote from a vehicle, unless otherwise required by law for elderly voters or voters with disabilities.

Background

Counties or municipalities that establish drop-boxes must develop and implement security procedures. Ballot drop-boxes must be located in a secure location approved by the county board of supervisors (county BOS) and an unstaffed outdoor drop-box must be securely fastened in a manner to prevent moving or tampering. An unstaffed indoor drop-box must be secured in a manner that will prevent unauthorized removal. All drop-boxes must be clearly marked as an official ballot drop-box and secured by a lock or sealable with a tamper-evident seal. Only an election official or designated ballot retriever may have access to the keys to remove the deposited ballots ([E.P.M. Ch. 2 \(1\)\(I\)\(1;3\)](#)).

Voting locations must comply with current Americans with Disability Act (ADA) standards for accessible design. The officer in charge of elections must consult the ADA checklist for polling places when confirming compliance ([E.P.M. Ch. 5 \(III\)](#)). If a county BOS determines that a polling place is inaccessible to elderly persons or persons with disabilities, it must provide for alternative voting ([A.R.S. § 16-581](#)). A qualified individual with a disability may not be excluded from voting or discriminated in voting because of the disability ([A.R.S. § 41-1421](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a county recorder or other officer in charge of elections from using an unmonitored drop-box for receipt of voted ballots.
2. Allows a county recorder or other officer in charge of elections to use a ballot drop-box that is located inside a:
 - a) polling place, voting center or other voting location at which election staff is present and monitoring the ballot drop-box to ensure compliance with applicable laws; and
 - b) county recorder or other officer in charge of elections' office or other facility where election staff is present and monitoring the ballot drop-box.

FACT SHEET

H.B. 2238

Page 2

3. Requires a county, for any drop-box location where it is not practicable for election staff to be present, to provide and maintain 24-hour video surveillance of the drop-box.
4. Requires a county to retain surveillance video recordings for four years.
5. Exempts, from the prohibition on unmonitored drop-boxes for receipt of voted ballots, post office boxes, privately owned mailboxes or cluster box units that are intended for the receipt and delivery of U.S. mail.
6. Prohibits a county recorder or other officer in charge of elections from providing for or allowing a voter to receive a ballot and vote from a vehicle or other conveyance, unless required for compliance with:
 - a) statutory requirements for polling places that are inaccessible to elderly persons or persons with disabilities;
 - b) the statutory prohibition against discrimination in voting rights or public accommodations;
 - c) the ADA; or
 - d) federal law.
7. Becomes effective on the general effective date.

House Action

| | | | |
|----------------------|---------|-----|---------|
| GE | 1/26/22 | DPA | 7-6-0-0 |
| 3 rd Read | 3/3/22 | | 31-27-2 |

Prepared by Senate Research

March 16, 2022

MH/HW/slp